

*SUPPORT HB 13-1085- Concerning Changes to the Crimes
Eligible for Possession of Weapons by Previous Offenders*

Sponsors: Representative Perry Buck and Senator Scott Renfroe

What is the problem?

Under current law, a person who is convicted of any felony loses his or her 2nd amendment rights forever. Also, a juvenile who is adjudicated delinquent for any felony, as a teenager, loses his or her 2nd amendment rights forever.

Numerous Colorado citizens who have been living good and productive lives for decades are denied the opportunity to possess a weapon for sport or self-protection. This is not fair.

This was not always the law in Colorado. Prior to 1994, only certain crimes involving burglary, arson and force and deadly weapons were included in the lifetime prohibition of possession of a weapon.

What does HB 13-1085 do?

This bill creates a nexus between the felony crime committed and the loss of constitutional rights guaranteed by the US and Colorado Constitution. Under this bill, not all felony convictions or teenage felony adjudications will demand that the person never possess a weapon or become, once again, a felony offender. This bill limits the prohibition of possessing a weapon to those persons convicted of one of the 44 statutorily enumerated Victim's Rights Act crimes or any burglary, arson or other crime involving the use of force or a deadly weapon.

No constitutional rights are absolute. Colorado has the right and the duty to make reasonable regulations for the purpose of protecting the health, safety and welfare of the people. All constitutional rights are subject to reasonable regulation. However, in regulating the exercise of Second Amendment constitutional rights, the state must carefully assess the limitation imposed and have the limitation reasonably related to the governmental interest. Felony property crimes and crimes that do not involve violence, weapons or the special status of a Victims Rights Act crime should not dictate a lifetime ban on the possession of any weapon. Current law includes a particularly egregious limitation when the offense was committed when the person was a juvenile and adjudicated in a court where the juvenile does not get the benefit of all constitutional rights afforded an adult.

PLEASE SUPPORT HB 13-1085.

CREATE A MORE BALANCED SYSTEM IN COLORADO REGARDING THE
DENIAL OF CONSTITUTIONAL RIGHTS.

Prepared by the Colorado Criminal Defense Institute in coalition with the Colorado
ACLU and the Colorado Criminal Justice Reform Coalition

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